

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:
JACINTO SANTIAGO SUAREZ
DEBTORS**

* **CASE NO: 22-01424 MAG**
* **CHAPTER 13**

NOTICE OF FILING AMENDED CHAPTER 13 PLAN, CERTIFICATE OF SERVICE

TO THE HONORABLE COURT:

COME(S) NOW DEBTOR(S), through the undersigned counsel and respectfully to the Honorable Court state(s) and pray(s) as follows:

1. On today's date debtor(s) is/are filing an amended Chapter 13 plan July 12, 2022 (the amended plan), for the following reasons: **to increase the plan's base to \$16,800.00 (Part 2; Section 2.1); to delete the provision for payment on behalf of CACSI as a secured claim via surrender of collateral (Part 3; Section 3.5); and to update the estimate for attorney fees for pre-confirmation work (Part 4: 4.3).**
2. All other provisions of the amended plan remain the same as in the original plan filed.
3. Debtor is able to comply with the amended plan and it complies with all the requirements for confirmation pursuant to 11 USC §1325.
4. The 341 Meeting of Creditors was held and closed on June 24, 2022 (d.e. **10**).
5. The confirmation hearing is scheduled to be held on July 22, 2022 at 2:45 PM. The amended plan along with the amended schedules A/B and C filed in its support, solve all the issues raised by the Chapter 13 Trustee on his unfavorable report at docket entry **10**.

WHEREFORE, debtor(s) hereby request(s) from the Honorable Court to take notice of the filing of the amended Chapter 13 Plan dated July 12, 2022, and that the same be confirmed at the hearing scheduled to be held on July 22, 2022 (d.e. **6**).

NOTICE IS HEREBY GIVEN THAT DEBTOR(S) HAS/HAVE FILED AN AMENDED PLAN DATED JULY 12, 2022, WHICH PLAN MAY BE APPROVED WITHOUT FURTHER NOTICE OR HEARING UNLESS A WRITTEN OBJECTION IS FILED NOT LATER THAN SEVEN (7) DAYS BEFORE THE DATE SET FOR CONFIRMATION HEARING (LBR 3015-3 (d)(3)).

In Re: Jacinto Santiago Suárez
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Case No: 22-01424 MAG
Notice of Amended plan

Respectfully submitted in Ponce, Puerto Rico, this July 12, 2022.

CERTIFICATE OF SERVICE: I hereby certify that on July 12, 2022 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all registered parties, and I hereby certify that I have mailed by United States Postal Service the document along with the amended plan to the non CM/ECF participants as per the attached master address list.

/s/ MADELINE SOTO PACHECO
MADELINE SOTO PACHECO, ESQ.
USDC 207910
ATTORNEY FOR DEBTOR (S): Jacinto Santiago Suárez
LUBE & SOTO LAW OFFICES
PO BOX 335090
Ponce PR 00733-5090
TEL PONCE (787)841-1704 FAX (787)842-5402
TEL.: SJ (787) 722-0909
E-mail: madelinesotopacheco@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:
JACINTO SANTIAGO SUAREZ

xxx-xx-4554

Case No.:

Chapter 13

☐ Check if this is a pre-confirmation amended plan

☒ Check if this is a post confirmation amended plan

Proposed by:

☒ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

2.1, 3.5, 4.3

Puerto Rico Local Form G

Chapter 13 Plan dated July 12, 2022 .

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Debtor JACINTO SANTIAGO SUAREZ Case number _____

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
\$200.00	Months 1 through 12	\$2,400.00	From June 2022 through May 2023
\$300.00	Months 13 through 60	\$14,400.00	From June 2023 through May 2027
Subtotals	60 Months	\$16,800.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

Debtor JACINTO SANTIAGO SUAREZ Case number _____

3.5 **Surrender of collateral.**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.
- ☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor
AEELA (CL 1)

Collateral
LOAN GUARANTEED WITH RETIREMENT FUNDS

Insert additional claims as needed.

3.6 **Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.**

☐ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor	\$ Amount of APMP	Comments
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-NONE-

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 **Other secured claims modifications.**

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.
- ☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
LAS MERCED ES MEMORIAL PARK	xxx xxx0090	\$6,598.00							\$6,598.00
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month		

Insert additional claims as needed.

Debtor JACINTO SANTIAGO SUAREZ Case number _____

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☒ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:	\$ 507.00
Balance of attorney's fees to be paid under this plan are estimated to be:	\$ 5,000.00
If this is a post-confirmation amended plan, estimated attorney's fees:	\$

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

☒ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

PART 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ _____.
- ☐ _____ % of the total amount of these claims, an estimated payment of \$ _____.
- ☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☒ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 0.00.

Debtor JACINTO SANTIAGO SUAREZ Case number _____

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

PART 7: Vesting of Property of the Estate & Plan Distribution Order

7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.
☐ Entry of discharge.
☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Debtor JACINTO SANTIAGO SUAREZ Case number _____

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.1. This Section modifies LBF-G Part 2, Section 2.3- Income Tax refunds:

Tax refunds, if any, will be devoted each year, as periodic payments to the plan's funding until plan completion. Debtor will amend the plan to provide for the payment of such refund as a lump sum for each year, as applicable. If the debtor(s) need (s) to use all or a portion of such "tax refund", debtor(s) shall seek Court's authorization prior to any use of the funds.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ Madeline Soto Pacheco
Madeline Soto Pacheco
Signature of Attorney of Debtor(s)

Date July 12, 2022

/s/ JACINTO SANTIAGO SUAREZ
JACINTO SANTIAGO SUAREZ

Date July 12, 2022

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

Label Matrix for local noticing
0104-2
Case 22-01424-MAG13
District of Puerto Rico
Ponce
Tue Jul 12 19:54:09 AST 2022

US Bankruptcy Court District of PR
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

AEELA
PO BOX 70199
San Juan, PR 00936-8199

(p)ASOCIACION DE EMPLEADOS DEL ELA
ATTN IRITZA ORTIZ ECHEVARRIA
PO BOX 364508
SAN JUAN PR 00936-4508

BANCO MUNICIPAL DE PONCE
DEPT DESARROLLO ECONOMICO
PO BOX 331709
Ponce, PR 00733-1709

CACSI
COOP SANTA ISABEL
PO BOX 812
Santa Isabel, PR 00757-0812

ELA RETIREMENT PLAN
PO BOX 42003
San Juan, PR 00940-2203

JORGE H HERNANDEZ TORRES
URB LA FE 1ERA EXT
HC 3436
Juana Diaz, PR 00795

LAS MERCEDES MEMORIAL PARK
PO BOX 800475
COTO LAUREL, PR 00780-0475

(p)LUMA ENERGY
REVENUE PROTECTION
PO BOX 364267
SAN JUAN PR 00936-4267

OASIS FINANCIAL SERVICE
PO BOX 1011
Bayamon, PR 00960-1011

OASIS FINANCIAL SERVICES
PO BOX 1011
Bayamon, PR 00960-1011

PR DEPARTMENT OF TREASURY
BKTCY SECTION (424-B)
PO BOX 9024140
San Juan, PR 00902-4140

PR JUSTICE DEPT
PO BOX 9020192
San Juan, PR 00902-0192

TRANSWORLD SYSTEMS INC
PO BOX 15618
DEPT 938
Wilmington, DE 19850-5618

JACINTO SANTIAGO SUAREZ
HC 09
BOX 1664
Ponce, PR 00731-9713

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

Madeline Del C. Soto Pacheco
Lube & Soto Law Offices, PSC
PO Box 335090
Ponce, PR 00733-5090

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

ASOCIACION DE EMPLEADOS DEL ELA
PO BOX 364508
SAN JUAN PR 00936-4508

LUMA ENERGY
PO BOX 363508
San Juan, PR 00936-3508

(d)LUMA ENERGY
REVENUE PROTECTION
PO BOX 364267
SAN JUAN, PR 00936

End of Label Matrix
Mailable recipients 18
Bypassed recipients 0
Total 18